

22 July 2020

From: [Exemption (6)]
To: Commander, Naval Air Forces Reserve

Subj: COMMAND INVESTIGATION INTO ALLEGATIONS STEMMING FROM NAVY
HOTLINE CASE #201904573

Ref: (a) Manual for Courts-Martial (2019 Edition)
(b) JAGINST 5800.7F
(c) Joint Travel Regulations (JTR)
(d) SECNAVINST 5510.36G
(d) COMNAVAIRFORINST 4790.2C
(e) COMNAVAIRFOR MANUAL 3710.7
(f) COMTACSUPWINGINST 3710.4Z
(g) VFC-111INST 3710.4F

Encl: (1) Investigating Officer Appointment Memos (3)
(2) Navy Hotline Case 201904573
(3) Navy Hotline Case 201904269 Investigation and Enclosures dtd 7 Nov 19
(4) Report of Misconduct/Detachment for Cause Request in case of LCDR Matthew J. Stettner, USN, latest status dtd 3 Jan 2019, including Command Investigation dtd 12 Sep 2019
(5) Preliminary Inquiry by [Exemption (6)] dtd 3 Sep 18
(6) Military Protective Order (MPO) dtd 26 Nov 18
(7) Gmail emails and Google Spreadsheet documenting encounters with [Exemption (6)]
(8) Preliminary Inquiry by [Exemption (6)] dtd 23 May 19
(9) 4 June 19 emails between [Exemption (6)] and [Exemption (6)]
(10) 4-5 June 19 emails between [Exemption (6)]
(11) Withdrawal of MPO dtd 14 June 19
(12) Report of Offenses dtd 13 Jun 19 and Article 31b Rights and NJP packet ICO LCDR Stettner for Article 134 (Adultery Violation) dtd 11 Jul 19
(13) 9 Aug emails between [Exemption (6)]
(14) National Hurricane Center report excerpt on Hurricane Irma dtd 30 Jun 18
(15) VFC-111 JTR Pay Policy References
(16) VFC-111 Reserve Pay Trackers 2017-2019
(17) VFC-111 Flight Schedule dtd 18 Apr 19
(18) Aircraft 102 Work Order dtd 18 Mar 19
(19) Aircraft 102 Work Order dtd 8 Apr 19
(20) Aircraft 102 Work Order dtd 18 Apr 19 1222Z
(21) Aircraft 102 Work Order dtd 18 Apr 19 1549Z
(22) Aircraft 102 last 10 "A" Sheets
(23) VFC-111 Flight Schedule dtd 4 May 2019
(24) VFC-111 Knee Board Card (KBC)
(25) VFC-111 Submission for Contract of Low Speed Vehicles (Golf Cart)
(26) Interview with [Exemption (6)]
dtd 15 Nov 19

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- (27) Interview with [Exemption (6)] dtd 4 Dec 19
- (28) Interview with [Exemption (6)] USN, dtd 4 Dec 19
- (29) Interview with [Exemption (6)] USN, dtd 4 Dec 19
- (30) Interview with [Exemption (6)] USN, dtd 4 Dec 19
- (31) Interview with [Exemption (6)] USN, dtd 4 Dec 19
- (32) Interview with [Exemption (6)] USN, dtd 4 Dec 19
- (33) Interview with [Exemption (6)] USN, dtd 4 Dec 19
- (34) Interview with [Exemption (6)] USN, dtd 4 Dec 19
- (35) Interview with [Exemption (6)] USN, dtd 4 Dec 19
- (36) Interview with [Exemption (6)] dtd 4 Dec 19
- (37) Interview with [Exemption (6)] dtd 4 Dec 19
- (38) Interview with [Exemption (6)] dtd 4 Dec 19
- (39) Interview with LCDR Stettner, USN, dtd 4 Dec 19
- (40) Interview with [Exemption (6)] USN, Microsoft Teams, dtd 6 May 2020
- (41) Article 31b Rights Statement ICO [Exemption (6)] USN
- (42) Article 31b Rights Statement ICO LCDR Stettner, USN
- (43) Interview with [Exemption (6)] JAGC, USN, dtd 20 Jan 2020
- (44) Emails from [Exemption (6)], USN, dtd 29 Jan 2020 and 5 Feb 2020
- (45) NAS Key West Airfield Diagram
- (46) VFC111 Complaint, Submitted to IG 28 Feb 2020
- (47) Commanding Officer Response to 28 Feb 2020 Complaint

PRELIMINARY STATEMENT

1. As directed by enclosure (1) and conducted in accordance with reference (a), this is a Command Investigation into the complaint submitted to the Navy Hotline, alleging that the VFC-111 Commanding Officer (CO) engaged in a pattern of abuse of authority. Specifically, that the Commanding Officer allegedly did the following:

- a. Abused his authority through improper use of Military Protective Order
- b. Received simultaneous BAH and Per Diem/Lodging for himself and family during or after the period of Hurricane Irma.
- c. Copied classified material on an unclassified machine and failed to report related classified spillage
- d. Attempted to fly a USN F-5N aircraft number 102 on 18 April 2019 with a downing (Z code) MAF.
- e. Flew a second “down” aircraft on 5 May 2019 from Savannah, GA to Key West, FL

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- f. Short field landed and associated loss of both main tires with subsequent alleged response actions.
 - g. Violated TSW SOP regarding touch and goes with a CATM or TCTS pod.
 - h. Undue influenced or created a conflict of interest on contract bidding regarding golf carts for the squadron
 - i. Uttered other statements and performed actions detrimental to good order and discipline.
2. The focus of this investigation proceeded into each allegation and the totality of the events related to these allegation spanning from September 10, 2017 to August 2019.
3. References (a) through (g) were reviewed.
4. All reasonably available evidence required for this investigation was collected and each objective of the appointing order has been met through records review and witness statements. Since this investigation is one of many into similar allegations, previous investigations were used as source material and findings were reviewed, in addition to further interviews and statements. All findings and opinions derived in this investigation were made independently of previous investigations.
5. No data was pulled or personnel questioned from the Naval Safety Center or anyone related to the ACASS survey. All data and references to the survey were the result of squadron interviews and voluntary statements.
6. Waiver of rights statements accompany this report as appropriate for allegations made where members were suspected of violating articles within ref (a). All witnesses were voluntarily interviewed and/or submitted statements.
7. Legal guidance was obtained through assigned Deputy Force Judge Advocate Exemption (6)
Exemption (6), JAGC, USN.

FINDING OF FACTS

A. ALLEGED ABUSE OF AUTHORITY THROUGH IMPROPER USE OF MILITARY PROTECTIVE ORDER

- 1. A previous investigation was conducted into this allegation. The investigation was reviewed and accepted here as facts for the purpose of this investigation. [Encl (3)]
- 2. At some point following Hurricane Irma in 2017, LCDR Matthew Stettner began an affair with Exemption (6) [Encl (3)]

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3. In July 2018 (date not recorded) the affair was brought to the attention of the command when [Exemption (6)] civilian, attempted to access NAS Key West in order to speak to the Commanding Officer of VFC-111, [Exemption (6)] to inform him that one of his officers was having an affair with his wife. [Encl (3), (4)]
4. At the time the allegation was made, LCDR Stettner, and [Exemption (6)], were friends both in and outside of Navy duties. [Encl (39), (40)]
5. Following the discussion with [Exemption (6)] [Exemption (6)] not recorded, [Exemption (6)] appointed [Exemption (6)] [Exemption (6)] to complete a Preliminary Inquiry into "Marital Infidelity." The investigation was completed on 3 September 2018. [Encl (5)]
6. The member was not read his rights under Article 31(b) of the Uniform Code of Military Justice prior to being questioned during the preliminary inquiry and no UCMJ charges were listing on the statement sheet. [Encl (5), (39)]
7. Sep-Oct 2018 – No action is on record being taken by command with regard to LCDR Stettner. [Exemption (6)] that he would monitor the situation after telling LCDR Stettner to stay away from [Exemption (6)] [Encl (3), (4), (40)]
8. Sometime between 22-26 Nov 2018, [Exemption (6)] contacted [Exemption (6)] to inform [Exemption (6)] [Exemption (6)] that [Exemption (6)] had told him that there was renewed contact between her and LCDR Stettner. [Exemption (6)] engaged with CNAFR JAG and discussed potential actions the Navy could take regarding LCDR Stettner in order to address [Exemption (6)] concerns and threat of media attention if the affair continued. [Encl (3), (4), (40), (43)]
9. 26 Nov 2018, [Exemption (6)] discussed the updated situation with [Exemption (6)] CNAFR JAG. In the discussion, [Exemption (6)] provided options that he could exercise as the Commanding Officer. The discussion included that, in this particular case, proof of adultery under the UCMJ was easier because of the admission by LCDR Stetter and the existence of a child produced by the adulterous affair. [Exemption (6)] brought up using a Military Protection Order (MPO) as a potential solution instead of NJP; it was modeled on an example from another Commanding Officer. [Exemption (6)] provided her legal analysis of options, which did include the MPO as an option, and the associated risks, in order for [Exemption (6)] [Exemption (6)] to create an informed course of action. The discussion with [Exemption (6)] ended with no direct decision discussed as to the way [Exemption (6)] would proceed. [Encl (40), (43)]
10. 26 Nov 2018 - [Exemption (6)] issued an MPO (DD FORM 2873) to LCDR Stettner to cease contact with [Exemption (6)] in order to de-escalate rising tensions and protect the service member from the involved parties. Further, LCDR Stettner was to maintain separation from [Exemption (6)] by a distance of at least 500 feet, with [Exemption (6)] and their child as additional protected persons, at all times for a period of 1 year, to include contact via cell phone, social media, and email. [Encl (6)]
11. Contrary to the written document, [Exemption (6)] verbally granted exceptions for still seeing [Exemption (6)] during the MPO period in order to support the pregnancy. This would be tracked via notifications to [Exemption (6)] when contact occurred, explaining the MPO as a tool not to keep them (LCDR Stettner and [Exemption (6)] apart, but to protect the Navy. [Encl (2), (3), (7), (39)]
12. 22 Feb 2019 – [Exemption (6)] and LCDR Stettner met and discussed the purpose of the MPO. LCDR [Exemption (6)] the shared Google Spreadsheet for tracking so that it would be easier for [Exemption (6)] to know when contact did occur. [Encl (2), (3), (7), (39), (40)]

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13. 23 May 2019 – Email/Text between [Exemption (6)] and Mrs. Stettner. A 2nd PI was conducted regarding LCDR Stettner by [Exemption (6)] and completed on 29 May 2019. [Encl (4), (8)]
14. On 31 May 2019, after the debrief of the ACASS, [Exemption (6)] visited LCDR Stettner in the Maintenance Office and discussed the results of the ACASS survey. [Encl (2), (40)]
15. On Tuesday, 4 June 2019, [Exemption (6)] contacted both [Exemption (6)] [Exemption (6)] regarding the MPO for LCDR Stetter and other potential options. [Encl (9), (10)]
16. In emails with [Exemption (6)] she recommended twice to refer this case to the Wing for action. [Exemption (6)] also stated verbally in the interview that she viewed the MPO as a temporary ‘cooling off’ use of two to four weeks at most and would have strongly recommended against how it was implemented if she had known about it earlier. [Encl (10), (43)]
17. In the email exchange with [Exemption (6)] 4 June 2019 [Exemption (6)] provided [Exemption (6)] an analysis on the law regarding an MPO and his opinion regarding the manner of its use in this case. Due to the detail and relev [Exemption (6)] port, both are provided verbatim from Encl (9) below.
18. Exerpt from 4 June 2019 email from [Exemption (6)] [Exemption (6)] regarding MPO Law: “There [are] currently no DoD Regulations on the issuances of MPOs. Instead, MPO directions are piecemealed (i.e., Sexual Assault case MPO directions are found in DoDI6459.02; discretion for duration is under 10 U.S.C. 1567; registration of the MPO in the criminal database is Sect. 1567a), leaving much of the discretion to the Commanding Officer. However, the general use of the MPO is designed to mirror that of a civilian restraining order. As such, the offender being order[ed] to refrain from specific activities must be within the Commanding Officer’s unit, and the protected person is the object of the negative activity subject to the order. Generally, MPOs should be issued in the least restrictive manner, only for the period of time necessary to ensure safety, and for legitimate concerns/grounds. MPOs must be based on evidence presented to the CO and should be reviewed regularly to determine the level of threat or danger at issue. MPOs can also be issued for a “cooling off” period – normally very short in duration for geographically close parties. Like all Orders, MPO must be lawful at their inception and not unduly/unreasonably impact the protected rights of a service member.” [Encl (9)]
19. Exerpt from 4 June 2019 email from [Exemption (6)] regarding risk analysis of the issued MPO: “While it is within the discretion of the CO to issue an MPO, it is a high level of risk associated with issuing an MPO in this manner. Specifically, the MPO is issued against a service member who has not committed an act of violence or threat of harm to the protected person. Furthermore, there is no “cooling-off” period warranted in this case. Instead, the Command’s objective is to appease the paramour’s husband and prevent further threats to the service member and the Navy as a whole. While altruistic or paternalistic care of a Sailor may be well-meaning, the Command should not be issuing MPOs for protection of the service member. Such use of an MPO is likely to be unreasonable and would in fact, be the subject of a successful Article 138 Complaint. Specifically, the conduct the MPO covers is squarely within his First Amendment right of freedom of association and freedom of speech; there is no substantial government interest to

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- infringe on those rights based on the facts above. Therefore, the continued use of the MPO in this matter would expose you to unnecessary risk.” [Encl (9)]
20. [Exemption (6)] recommended to [Exemption (6)] that the MPO be rescinded or allowed to lapse within 30 days. [Encl (9)]
 21. On 7 June 2019, [Exemption (6)] verbally retracted the MPO with LCDR Stettner and issued a letter to that effect on 14 June 2019. [Encl (2), (11), (40)]
 22. On 11 July 2019, [Exemption (6)] issued an NJP report chit to LCDR Stettner via [Exemption (6)] for Article 134 charges of Adultery. This was also the first time a JAG became involved in handling potential charges in this case and was the first time LCDR Stettner had his rights read to him on this or any potential charges. [Encl (2), (12), (40)]
 23. On 1 Aug 2019, LCDR Stettner rejected NJP on the advice of counsel and countered with a proposal that the CO issue a NPLOC or NJP without any plea or statement. [Encl (13)]
 24. On 13 Aug 2019, the Wing Commander, [Exemption (6)] pulled NJP authority to Wing level for this case and began a Command Investigation conducted by [Exemption (6)] [Encl (4)]
 25. On 17 Aug 2019, VFC-111 held a Change of Command from [Exemption (6)] to [Exemption (6)]
 26. Sep 2019 to Present – Commander, Tactical Support Wing pursued NJP with regard to LCDR Stettner based on CI for charges of Art 134 Adultery and Art 133 Conduct Unbecoming. LCDR Stettner refused NJP, and a recommendation is pending regarding a Detach for Cause and Show Cause for Retention in the Naval Service based on the misconduct. [Encl (4)]

B. ALLEGED RECEIPT OF SIMULTANEOUS BAH AND PER DIEM/LODGING FOR HIMSELF AND FAMILY DURING OR AFTER THE PERIOD OF HURRICANE IRMA.

27. VFC-111 provided a list of references from the JTR and accompanying rationale for the orders that [Exemption (6)] was on from September 2017 through June 2019. The references were confirmed against ref (c) which governs entitlement to Per Diem. [Encl (15)]
28. On 10 September 2017, Hurricane Irma made landfall in the southern islands of the Florida Keys. The hurricane damaged a large swath of homes and businesses, including the air station at NAS Key West and the home of [Exemption (6)], which was subsequently condemned by the State of Florida. [Encl (14), (40)]
29. At the time, [Exemption (6)] was a Selected Reservist (SELRES) assigned as the Executive Officer at VFC-111 on Active Duty for Special Work (ADSW) orders for 153 days spanning from 1 May to 30 September 2017. While on ADSW, [Exemption (6)] would have been entitled to Basic Allowance for Housing (BAH) for his primary residence which at the time was defined as Key West, FL but not Per Diem according to ref (c). [Encl (15), (40)]
30. [Exemption (6)] did evacuate with his family from Key West for Hurricane Irma in accordance with DoD guidelines in paragraph 060201 in ref (c). Shortly after learning that his home had been condemned, he relocated his family to a relative’s home in Seymour, Tennessee. He also submitted for and changed his primary residence, and consequently his Place Entered Active Duty (PLEAD) as a reservist from Key West, FL to Seymour, TN in the fall

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of 2017 as part of ref (c) Appendix A, pg A-17. All subsequent orders were for duty from Seymore, TN to Key West, FL. [Encl (15), (40)]

31. According to squadron records, following the completion of ADSW on 30 September 2017, [Exemption (6)] remained on back to back sets of ADT orders from 3 October 2017 through 2 Jan 2019 with occasional 1 day breaks. The longest set of back to back orders between breaks was 202 days from 30 November 2017 to 19 June 2018. The longest break was 25 days from 4-30 August 2018. In total, [Exemption (6)] executed 335 days of AT/ADT orders in FY18. The break days were composed of IDT execution for a total of 48 drills. According to ref (c), the 202 day set of orders would have entitled [Exemption (6)] to BAH vs Per Diem as it would be considered a PCS. [Encl (15), (16)]
32. In FY19, [Exemption (6)] executed 348 days of orders. 244 on AT/ADT and 104 on ADSW. [Encl (16)]
33. [Exemption (6)] did not restore his primary residence (and PLEAD) to Key West until his home was declared habitable by the State of Florida in June 2019. [Encl (40)]

C. ALLEGED COPYING OF CLASSIFIED MATERIAL ON AN UNCLASSIFIED MACHINE AND FAILURE TO REPORT RELATED CLASSIFIED SPILLAGE

34. During the Spring of 2019 two separate security incidents were reported to the TSW Security Manager, [Exemption (6)] regarding potential classified information being copied on a squadron unclassified copy machine. [Encl (27), (28), (44)]
35. Both security incidents were related to the same point of failure, the squadron standard kneeboard card. [Encl (24), (27), (28)]
36. The kneeboard card includes a small grid section on the bottom right next to the aircraft, crew, callsign, and tactical frequency to be used that includes adversary weapons data. When that section is filled out with adversary information, it renders the entire document classified at the level of the information filled in. The standard kneeboard card does not have any standard classification markings (UNCLASS, SECRET, etc.). [Encl (24), (27)]
37. According to [Exemption (6)] the current VFC-111 CO, the kneeboard card is a known failure point and cause of electronic spillage cases for the squadron. [Encl (27)]
38. On 4 Mar 2019, [Exemption (6)] filled out this section for a flight and copied the kneeboard card for distribution using a squadron copy machine. Another squadron member, [Exemption (6)] [Exemption (6)] reported the potential spillage to the Squadron Security Manager, [Exemption (6)] [Encl (28)]
39. [Exemption (6)] approached [Exemption (6)] to discuss the potential spillage and next courses of action needed. He then unplugged the suspected copier and initiated a spillage report to TSW. [Encl (28)]
40. After the spillage report was submitted, it was determined that the information [Exemption (6)] [Exemption (6)] that section was not accurate, did not reflect any classified data, and was not a security incident. The copier was returned to service and spillage incident cancelled. [Encl (28), (44)]
41. On 9 May 2019, [Exemption (6)] made the same error as [Exemption (6)] back on 4 March with regard to classified spillage. He also filled in the classified section of a kneeboard card and made copies on a squadron copy machine. That incident did include classified information

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and also resulted in a spillage report with all proper actions taken by the squadron. The subject copy machine (XEROX Workcenter 7830 had its hard drive removed and is still out of service pending resolution of the spillage. [Encl (24), (27)]

D. ALLEGED ATTEMPT TO FLY A USN F-5N AIRCRAFT NUMBER 102 ON 18 APRIL 2019 WITH A DOWNING (Z CODE) MAF

42. On 18 April 2019 VFC-111 was supporting fleet training events for VFA-122, the F/A-18E/F Fleet Replacement Squadron based at NAS Lemoore, CA. 26 sorties were scheduled to support the training, broken up over 3 event windows. Because of the variability of aircraft status for the F-5N, VFC-111 does not assign side numbers on the flight schedule to individual sorties and are instead assigned by Maintenance Control prior to brief time. In the second event window, [Exemption (6)] was assigned aircraft 102, Bureau Number 761562, an F-5N assigned to VFC-111, for event 3E with a scheduled launch time at 1145 and recovery at 1315. [Encl (17)]
43. Aircraft 102 had a previous discrepancy logged in OOMA for an Anti-Skid system caution light illuminating during acceleration through 40 knots on 18 March 2019. The work order was logged with an Equipment Operational Capability (EOC) code Z, which equates to a 'D' or down discrepancy. Corrective maintenance action was taken and the aircraft was returned to service. [Encl (18)]
44. During the attempted takeoff on 18 Apr 2019 with aircraft 102, [Exemption (6)] saw the same Anti-Skid caution light come on while accelerating through 80 knots. He aborted the takeoff, reset the system, and tried the takeoff again, with the light coming on at 30 knots. Following the second failure, [Exemption (6)] aborted the takeoff and returned to the line. At 1222 he logged a Maintenance Action Form (MAF), listing the Anti-skid caution light and attempt to clear the malfunction. The initial MAF listed the status as 'U' or Up. [Encl (2), (20), (36), (37), (38)]
45. At 1549, 18 Apr 2019 – [Exemption (6)], a contract maintainer with PAE, completed a review of the MAF submitted by [Exemption (6)] and updated the EOC code to Z, resulting in a Work Order Status of 'D' or Down, as per the Mission Essential Subsystem Matrix (MESM) for the F-5N aircraft, which lists the Anti-skid system as a required operational system to release the aircraft safe for flight. [Encl (21), (36), (37), (38)]
46. The third event window for 18 Apr 2019 was scheduled for a brief time at 1415, launch at 1530, and recovery at 1700. 8 sorties were scheduled in this window, 6 to be flown by VFC-111 and 2 flown by the Airborne Tactical Advantage Company (ATAC). ATAC is a commercial company that augments DoD adversary fighter training. At brief time, the MAF submitted for aircraft 102 had not been fixed and was getting changed to a down discrepancy. With no other aircraft available that day to replace aircraft 102, CDR Dupont was concerned about a potential training mission failure with the loss of event 5D. Because earlier versions of the F-5 did not have Anti-Skid as a system, [Exemption (6)] sought to have the aircraft made available for the mission, arguing the Anti-Skid was not necessary. [Encl (2), (20), (36), (37), (38), (40)]

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47. At this point the following sections of ref (d), Chapter 17, pages 17-14 through 17-16 are relevant:
- a. 17.2.4 - The CO or detachment OIC shall take direct action to ensure aircraft are properly classified as FMC, PMC, or NMC, ensuring NMC and out MCRS aircraft are not flown. PMC aircraft are not restricted from flying, if in the judgement of the CO or detachment OIC these aircraft are safely flyable for the assigned mission.
 - b. 17.2.2.2 - A MESM determines supply system project codes... The following codes shall be assigned:
 - c. 17.2.2.2.a - An non-mission capable supply (NMCS) project code is used only if the lack of the required part makes the aircraft incapable of performing any of its missions (EOC alpha character code Z). The aircraft is not safely flyable.
 - d. 17.2.3.3 - NMC. In [Material Condition Readiness Status] MRCS, with one or more outstanding NMCS requisitions or NMCM maintenance actions. All NMC (NMCS, NMCM, or both) discrepancies shall be marked down and have an EOC alpha character of Z assigned. The aircraft is not safely flyable and cannot perform any mission listed in the applicable MESM.
 - e. 17.2.3.3 NOTE 1 - NMC aircraft shall not be flown.
 - f. 17.2.3.3 NOTE 2 – Aircraft out MCRS shall not be flown until returned to in MCRS and restored to PMC as a minimum
48. [Exemption (6)] contacted [Exemption (6)] Commander Tactical Support Wing (CTSW) (also known as CAG), to request a waiver, not realizing that waiver a [Exemption (6)] with Chief of Naval Air Forces, Reserve (CNAFR) as the Type Commander (TYCOM) per ref (d). [Exemption (6)] [Exemption (6)] approved the waiver, believing that [Exemption (6)] had provided all the information necessary, but independent of review by any of the TSW maintenance staff, as they were not available and the launch window was short. [Exemption (6)] understanding was that the aircraft would be signed for in a Down status, and that [Exemption (6)] would be the pilot flying the aircraft. [Encl (26), (40)]
49. After receiving CAG's approval issuing the aircraft for flight, PAE changed the aircraft status from 'D' to 'U' and [Exemption (6)] signed for the aircraft. [Exemption (6)] conducted his preflight, started the aircraft, and taxied to the hold short for take-off. At the hold short, [Exemption (6)] received word that a potential backup aircraft was able to launch. At that point his aircraft would not be required in order to complete the mission, so he taxied the aircraft back to the line, shut down, and turned the aircraft back over to maintenance control. As of 4 December, aircraft 102 has not flown since 18 April 2019. [Encl (36), (37), (38), (40)]
50. When the rest of the ready room found out about the sequence of events on 18 April 2019 in the following days, they had concerns regarding the safety culture that was developing within VFC-111. [Encl (27)]
51. End of Apr 2019 – A Department Head meeting was called regarding the CO's recent actions and the increasing frustration with a perceived decline in the safety culture led by the CO. The issues in this meeting were brought forward to the Executive Officer, [Exemption (6)] and resulted in decision to use the upcoming Aviation Climate Assessment Survey System (ACASS) which was due in May, as the vehicle to communicate with the CO that there were

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concerns with the culture being created. The decision was made to wait to debrief results at the end of May when [Exemption (6)] was in the squadron (widely respected Flight Surgeon) to address any issues. [Encl (27)]

E. ALLEGED FLIGHT OF A SECOND “DOWN” AIRCRAFT ON 5 MAY 2019 FROM SAVANNAH, GA TO KEY WEST, FL

52. May 2019 – VFC-111 conducted ACASS. [Encl (27)]
53. On Saturday, 4 May 2019, a flight of 2 F-5N aircraft assigned to VFC-111 flown by [Exemption (6)] and [Exemption (6)] were on a cross country flight and scheduled to return NAS Key West from Savannah, Georgia. [Encl (23), (36), (37), (38), (40)]
54. The aircraft had remained overnight and were secured on the flight line. There were thunderstorms in the vicinity that night which continued into the day and were on the route back to Key West, as well. [Encl (23), (36), (37), (38), (40)]
55. During preflight, [Exemption (6)] had both Low Fuel Caution Lights illuminated on aircraft 105, Bureau Number 761547, despite having just fueled both tanks and visually verifying them full. [Encl (36), (37), (38), (40)]
56. The aircraft are not dispatchable with the low fuel light illuminated and are listed in the MESM as down discrepancies. Both pilots contacted maintenance control in Key West to assist with troubleshooting and attempt to clear the lights. Assistance was also solicited from the on station Air Force C-130 squadron. The pilots also notified [Exemption (6)] as the CO of the issue and the delay. [Encl (36), (37), (38), (40)]
57. Maintenance control was not successful in helping to clear the discrepancy and suspected a fuel low level transducer. Because the flight was not critical and a simple cross country, Maintenance Control told the crew the aircraft was down and to stay in place. In the meantime, the maintenance lead for PAE made plans for a rescue team of maintainers to travel to Savannah from Key West on Monday, 6 May to return the aircraft to service as per their contract. [Encl (36), (37), (38), (40)]
58. Parallel with efforts in maintenance control, [Exemption (6)] talked his pilots through mitigations and ultimately authorized [Exemption (6)] to fly the aircraft back to Key West with [Exemption (6)] remaining on his wing for safety, believing it was consistent with recommendations from his maintenance department. [Encl (36), (37), (38), (40)]
59. Squadron maintenance was not aware of the authorization or flight until receiving a call over the radio that the aircraft were on deck in Key West. Upon return to Key West, it was discovered that water had intruded the aircraft from the thunderstorms in Savannah, resulting in a short circuit in the panel that illuminated the fuel low level lights. [Encl (36), (37), (38), (40)]
60. [Exemption (6)] stated on learning the actual cause, he would not have authorized the flight. This was the second time an incident like this occurred within a 1 month period. [Encl (36), (37), (38), (40)]
61. May 2019 – To address the Ready Room concerns, [Exemption (6)] held an AOM and explained the incidents on 18 April and 4 May as well as his thinking. [Encl (40)]
62. On Friday, 31 May 2019, the results of the ACASS were debriefed from the Safety Center with [Exemption (6)] [Exemption (6)] and [Exemption (6)] present. According to both [Exemption (6)]

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and [Exemption (6)] there was a rejection of [Exemption (6)] leadership in comments from the Wardroom (not just LCDR Stettner) for the culture being created (flying down aircraft, ignoring advice of DHs). [Exemption (6)] was deeply upset by the results. [Encl (27), (40)]

F. ALLEGED SHORT FIELD LANDING AND ASSOCIATED LOSS OF BOTH MAIN TIRES WITH SUBSEQUENT ALLEGED RESPONSE ACTIONS

- 63. Refs (e) through (g) do not address or prohibit short field landings. Short field landings are considered part of normal training and procedures for pilots.
- 64. NAS Key West has 3 runways, the main duty runway is 8/26 and is approximately 10,000 feet long. The other two runways that cross runway 8/26 are 4/22 and 8/32. Both are approximately 7000 feet long and available in case of the few times that winds do not align to the main runway. The 7000 foot length of 4/22 and 8/32 are considered short field runways for the F-5N. [Encl (27), (45)]
- 65. None of the interviews identified a specific flight that could corroborate the allegation.

G. ALLEGED VIOLATION OF TSW SOP REGARDING TOUCH AND GOES WITH A CATM OR TCTS POD

- 66. Ref (g) states that touch and goes with a CATM or TCTS pod attached should not be performed.
- 67. In accordance with stated touch and go policy using a 'should' and not 'shall', Both [Exemption (6)] and LCDR Stettner stated that within the squadron it is considered a norm, but not mandatory, to not perform touch and goes with the pods attached due to the added stresses placed on the connection points between the wing and pod that adds unnecessary wear and tear to an already aging airframe and limited readiness. No interviews could verify whether this occurred with [Exemption (6)] [Encl (27), (39), ref (g)]

H. ALLEGED UNDUE INFLUENCE OR CONFLICT OF INTEREST ON CONTRACT BIDDING REGARDING GOLF CARTS FOR THE SQUADRON

- 68. [Exemption (6)] provided the purchase request package for Golf Carts submitted to Commander, Tactical Support Wing, dated 25 Nov 2019. [Exemption (6)] verified that no requests were submitted prior to this date. [Encl (25), (27)]
- 69. [Exemption (6)] specifically denied any influence was applied as alleged. [Encl (29)]

I. OTHER ALLEGED STATEMENTS AND ACTIONS DETRIMENTAL TO GOOD ORDER AND DISCIPLINE.

- 70. [Exemption (6)] specifically denied that any aggressive instruction from [Exemption (6)] existed. [Encl (31)]
- 71. Other allegations made in the complaint were reviewed and found to not be investigable as they applied more toward hearsay than actual violations of any policy. These were specifically:

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- a. Removal of [Exemption (6)] from the FCF Syllabus due to poor airmanship.
- b. Consistently the last person to walk and consistently making flights late for takeoff
- c. A general defensiveness and aggression when well-meaning members of the Ready Room attempt to politely point out concerns like the above.
- d. An unwillingness to listen to counsel from his Executive Officer [Exemption (6)].

J. ADDITIONAL COMPLAINT SUBMITTED TO THE IG ON 27 FEB 2020.

72. The additional complaint submitted on 28 Feb 2020 was considered relevant due to details it contained and assigned to this investigation. [Encl (46)]
73. [Exemption (6)] was interviewed again and provided a response to the allegation. The allegation was not relevant to any actions taken by [Exemption (6)] as they occurred well after his departure, despite references to similar events. [Encl (46)]
74. [Exemption (6)] was familiar with and has addressed the referenced incident with no further action needed. [Encl (46)]

OPINIONS

1. Regarding each potential allegation as listed in the complaint:

a. Alleged abuse of authority through improper use of Military Protective Order –
Substantiated

- a. Throughout this investigation it is clear that [Exemption (6)] sought to assist his friend, LCDR Stettner, and balance that responsibility with his responsibility to the Navy and his Squadron as Commanding Officer. This is proved through the timeline of actions [Exemption (6)] took from the initial notification of an issue in the summer of 2018 to the final assumption of NJP authority by [Exemption (6)] in the summer of 2019. [FF (1), (4)]
- b. Unfortunately, it is also clear that his compassion toward his friend, while admirable, clouded his judgement and affected both his friend and his Command in ways that he did not predict. [Exemption (6)] initiated a limited investigation, but took no additional action from July 2018 to November 2018 until he was faced with more pressure from [Exemption (6)]. In November 2018, [Exemption (6)] discussed the case with [Exemption (6)]; however, there was a clear miscommunication between the two regarding potential actions he could take. The MPO [Exemption (6)] had in mind was presented as an example from another Command and not from current legal advice. The use in another command notwithstanding, it was not discussed in sufficient detail with [Exemption (6)]. [Exemption (6)] Had he done so, [Exemption (6)] likely would have voiced a stronger opposition to that course of action based on her statements after finding out the type of MPO that was issued. [Exemption (6)] did not see the actual MPO that was issued until her discussion with [Exemption (6)] on June 4-5, 2019.

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Further compounding the issue, [Exemption (6)] stated to [Exemption (6)] in his investigation that he wanted to limit exposure of this case within the wardroom, so he consequently had his Admin Officer, [Exemption (6)] draft the MPO. [Exemption (6)] did not involve the squadron's legal officer, [Exemption (6)] [Exemption (6)] in the case. Other than [Exemption (6)] [Exemption (6)] is perhaps the only other person who could have intervened, assuming he would have had a potential MPO reviewed by a JAG before presenting it to his Commanding Officer for signature. Consequently, there was no review, legal or otherwise, of [Exemption (6)] actions. Neither TSW nor CNAFR had any knowledge of the specifics on this MPO nor that [Exemption (6)] was acting outside of established legal advice. [FF (1), (7), (8), (9), (10), (11)]

- c. By the time [Exemption (6)] saw the MPO in June, the situation between [Exemption (6)] [Exemption (6)] and LCDR Stettner had degraded significantly. [Exemption (6)]

summary of the current military law surrounding the use of an MPO and the assessment of the MPO issued in this case, once he finally saw it, is the most conclusive evidence of improper application and the end result was an MPO that was structured outside the normally accepted bounds of proper use. [FF (17), (18), (19), (20)]

- d. Commanding Officers have wide leeway in the issuance and use of Military Protective Orders, and they are expected to use good judgment in the application of that authority. I believe that [Exemption (6)] held the best interests of the Navy and LCDR Stettner in his thoughts as he tried to navigate this situation and applied a solution that he saw as the best answer in his judgment at the time. He believed he had verified his course of action with the proper experts and that he was within his bounds as a Commanding Officer. Unfortunately, in his verification, he did not clearly express his intent or details of the MPO as he saw it to any legal official prior to issuing it or at any time during its execution until June 2019. Ultimately it is up to the Commanding Officer to verify that his actions are proper in the execution of his authority. A simple check of the document with any legal counsel prior to issue would have likely prevented any further complications, but that did not happen here. Therefore it is my conclusion that while [Exemption (6)] did not abuse his authority as a Commanding Officer by issuing an MPO, he did exercise poor judgment in the application of the administrative tools afforded to him and exceeded established legal norms in the application and purpose for such a document, and therefor abused his authority with the improper use of the MPO.

- b. Alleged receipt of simultaneous BAH and Per Diem/Lodging for himself and family during or after the period of Hurricane Irma. – **Unsubstantiated.**
- a. Based on the records the squadron maintained, and the justifications provided from references in the JTR, all of [Exemption (6)] orders appear to have been processed appropriately. Additionally, the orders would be adjudicated at Commander, Navy Reserve Forces Command (CNRFC) as each set of orders

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or extensions are processed. Therefore, the ability to influence or change the outcome of pay entitlements were beyond any authority or influence [Exemption (6)] [Exemption (6)] had at the time. Instead, I believe this allegation centers around a misunderstanding of where [Exemption (6)] PLEAD was set to and the regulations supporting it. Unfortunately, a detailed audit of the financial records was not possible through CNRFC so it is not possible to state conclusively that there were no errors made in his pay. However, there is no evidence or indication that [Exemption (6)] conducted any wrongdoing or sought to defraud the Navy through receipt of funds greater than his entitlement. Therefore, it is my opinion that [Exemption (6)] and VFC-111 did not violate the JTR in the execution of his orders. [FF (27), (28), (29), (30), (31), (32), (33)]

c. Alleged copying of classified material on an unclassified machine and failure to report related classified spillage – **Unsubstantiated**

a. It is clear from statements of the squadron and confirmation of the TSW Security Manager that VFC-111 took the appropriate actions for handling suspected electronic spillage in the case of [Exemption (6)] when it was suspected. [Exemption (6)] was presented with the potential spillage by his security officer, [Exemption (6)] and the copier was unplugged. Only after starting the investigation was it determined that classified material was not copied. The spillage report was canceled with TSW, and the copier in question was returned to service. [FF (38), (39), (40)]

b. A second incident involving another officer and the same issue with the kneeboard card and copier was also handled by the Squadron through TSW and is the incident that resulted in the copier being removed from service in the squadron. [FF (41)]

c. The allegation made in this report appears to be a blending of these two incidents. The allegiant asserted the copier is still out of service from the incident, which is true. However, this incident was a result of actions involving [Exemption (6)] not [Exemption (6)]. Therefore I do not find that [Exemption (6)]

[Exemption (6)] or VFC-111 handled classified material or spillage procedures inappropriately. [FF (34), (35), (36), (37), (38), (39), (40), (41)]

d. Alleged attempt to fly a USN F-5N aircraft number 102 on 18 April 2019 with a downing (Z code) MAF – **Substantiated**

a. Similar to aviation mishap investigations, there is a clear sequence of decisions that align toward the creation of this incident, but all of it centered on a misunderstanding of the MESM and the appropriate waiver authority. The MESM is governed by Commander, Naval Air Forces (COMNAVAIRFOR) in coordination with the respective Naval Air Systems Command (NAVAIR) Type/Model/Series Program Management, Air (T/M/S PMA) office. By the instruction, waivers are granted at the authority of the Type Commander (TYCOM), in this case the Chief of Naval Air Forces, Reserve (CNAFR). [FF (47), (48)]

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- b. [Exemption (6)] was made aware that the MESM declared the loss of the Anti-Skid system as a down gripe for the F-5N. Due to an accumulation of events and delays associated with the maintenance of the F-5N, [Exemption (6)] perceived pressure to complete the final sortie of the day in order to complete training for VFA-122. An alternate aircraft was identified, but it was not confirmed if it would be able to fly. Consequently, [Exemption (6)] sought a waiver from CTSW, whom he believed to have authority for the waiver, to allow the aircraft to fly based on his background in an earlier F-5 which did not have an Anti-Skid system installed. [FF (42), (43), (44), (45), (46), (48)]
 - c. Again as seen throughout this investigation, poor communication led to a situation where the PAE maintenance team who advised him on the instructions and the aircraft status was missed by [Exemption (6)] who believed that [Exemption (6)] had the authority to waive the downing gripe. By pursuing the waiver with only [Exemption (6)] he created the situation where he and his maintenance department were in violation of a COMNAVAIRFOR Instruction. [FF (48), (49)]
 - d. [Exemption (6)] own maintenance team was unavailable at the time of the call, so he had no one to vet the information with; he believed his CO was presenting the correct information. Had they been present, [Exemption (6)] would have informed [Exemption (6)] that CNAFR had to provide the waiver and the incident would likely not have happened. Still, [Exemption (6)] also relied on his past experience with the F-5, particularly the lack of an Anti-Skid system, and authorized the flight, believing that [Exemption (6)] would sign for the aircraft in a Down status and would be the pilot flying. He did not authorize the aircraft status to be changed. Regardless of [Exemption (6)] verbal waiver of the requirement for the Anti-Skid system or intent, he did not have that authority. [FF (48), (49)]
 - e. PAE further compounded this incident by not making [Exemption (6)] sign for a down aircraft, instead changing the status to up, in violation of the instruction. By the statements of the contractors, this incident had a significant impact on the trust held between the contractors and the Navy. [FF (49)]
 - f. The responsibility for this incident ultimately rests on the aircraft commander and squadron Commanding Officer. [Exemption (6)] acknowledged this in his interview and confirmed that in hindsight, he would have pursued a waiver request differently. Regardless, this incident did occur as alleged and had ramifications within the squadron Ready Room. Following the next incident that occurred on 5 May 2019, [Exemption (6)] did address the actions taken and acknowledged the mistakes that were made with all the squadron pilots at a meeting in May 2019. [FF (61)]
- e. Alleged flight of a “down” aircraft on 5 May 2019 from Savannah, GA to Key West, FL – **Substantiated**
- a. This is the second incident of authorizing a down aircraft to fly in a 1 month period. [FF (60)]

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- b. Similar to the incident on 18 April 2019, the illumination of the Low Fuel Caution Lights are a Downing discrepancy per the MESM. The aircraft was declared down by Maintenance Control and suspected bad fuel transducers. As is common with complex systems like aircraft and remote troubleshooting, the initial suspected cause was incorrect. Regardless, maintenance control took the right actions and initiated plans to send a maintenance team to Savannah, GA to return the aircraft to service. [FF (55), (56), (57)]
 - c. Miscommunication between [Exemption (6)] and his maintenance team led [Exemption (6)] [Exemption (6)] to believe he was assisting his maintenance team and that they were in agreement that the aircraft could fly. He consequently worked with the crew to apply a series of mitigations to allow the aircraft to fly home, which was a surprise to his maintenance team. [FF (55), (56), (57)]
 - d. This was a training flight, and the aircraft were returning to home base. After landing, maintenance control ultimately determined that the aircraft had water in the annunciator panel, causing a short circuit of the fuel low annunciator lights. [Exemption (6)] stated in his interview that had he known the actual malfunction, he would not have authorized the flight. Ultimately the flight was safely completed, but it could have resulted in a Class A mishap with a loss of the aircraft or pilot had the problem spread further than the annunciator panel. [FF (53), (54), (59)]
 - e. Both this incident and the 18 April 2019 incident created distrust within the squadron Ready Room and were brought out in the ACASS survey provided to [Exemption (6)] at the end of May 2019. Unfortunately for [Exemption (6)] it was largely addressed when he discussed his thought process and admitted errors in an AOM held later in the month, after the ACASS survey was submitted, and before the debrief. [FF (61), (62)]
 - f. The allegation is substantiated as the event did occur.
- f. Alleged short field landing and associated loss of both main tires with subsequent alleged response actions – Unsubstantiated**
- a. Short field landings in the F-5N aircraft are not common, but also are not prohibited by ref (e) through (g). Short field landings in an aircraft such as the F-5N with high approach speeds increases the risk of conducting short field landings; however, that risk needs to be mitigated through training and guidance as to when it is appropriate to conduct such landings, as well as understanding the risk that tire damage or aircraft damage from an overrun can occur if performed improperly. [FF (63)]
 - b. NAS Key West, by design, is subject to occasional short field landings for the F-5. The airfield has 3 runways, the main duty runway is 8/26 and is approximately 10,000 feet long. This runway is normally aligned to the prevailing wind and is sufficiently long so that short field landings are not necessary. The other two runways are approximately 7000 feet long and considered short field runways for the F-5N. Pilots need to be able to land on them when necessary. The execution of approaches and landings to either of

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these runways is well within the purview of NATOPS qualified aviators to perform with model specific guidance and procedures, regardless of whether tires needed to be replaced or not. Therefore, without other corroboration, it is my finding that this allegation is unsubstantiated. [FF (63), (64), (65)]

- g. Alleged violation of TSW SOP regarding touch and goes with a CATM or TCTS pod – **Unsubstantiated**
- a. The TSW SOP states that touch and goes with a CATM or TCTS pod attached should not be performed. Within the squadron, it is considered common practice to not perform touch and goes with the pods attached due to the added stresses placed on the connection points at the wing and the pod that add unnecessary wear and tear to an already aging airframe and limited readiness. [FF (66), (67)]
 - b. It is not possible to prove whether the CO actually conducted touch and goes or just low approaches with the pods attached. Regardless, because the policy is a “should” not a “shall”, regardless of common practice, I do not find a violation of policy in this allegation. [FF (66), (67)]
- h. Alleged undue influence or conflict of interest on contract bidding regarding golf carts for the squadron – UCMJ Article 92 Violation of a direct order, Joint Ethics Regulations – **Unsubstantiated**
- a. The bids and reviews for the contract referenced have continued well after Exemption (6) departed the squadron and had still not been awarded at the time of interviews conducted on 4 December. Exemption (6) was mentioned in the allegation and was interviewed. He denies having been approached or influenced in any way regarding potential bids. Therefore, I find Exemption (6) Exemption (6) had no influence on this process, it was not investigated further, and I find it unsubstantiated. [FF (68), (69)]
- i. Other alleged statements and actions detrimental to good order and discipline. – **Unsubstantiated**
- a. The remaining allegations presented by the allegiant, in total, are unsubstantiated either through no evidence, misrepresentation of fact, or not representative of articulated issues that can be investigated and the outcome will reasonably have an effect on good order and discipline. [FF (70), (71)]
- j. Additional allegation submitted to the IG dated 28 Feb 2020. – **Unsubstantiated**
- a. The additional allegation received by the IG appeared related to the case involving Exemption (6) due to similarities. However, the allegation is not at all related to Exemption (6). [FF (72), (73)]
 - b. The allegation was familiar to Exemption (6) the current CO, and was handled by him. His statement contains all the information needed, as this was a disagreement within the personnel contracted by PAE and any follow up should be handled by the responsible contracting officer. I also agree with the

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CO's concerns regarding using ASAP submissions as a source for anything other than addressing safety concerns, as its use here could have detrimental effects for aviation safety. [FF (72), (73), (74)]

2. Over the course of this broad investigation, it is clear that there were a series of errors made by multiple members of the squadron, including the CO and complainant. I find the vast majority of these errors were within the bounds of normal human error and do not rise to a trend that must be addressed via administrative or judicial processes. The Navy does not expect our personnel to be perfect, we only ask that they learn from their mistakes and accept punishment when warranted.

3. Finally, the timeline of actions taken by [Exemption (6)] with regard to LCDR Stettner's case creates an appearance of reprisal when the data and timeline of events is viewed independently, particularly in the events leading up to the end of May 2019 and the start of legal actions shortly after in June 2019. Based on the statements by both individuals, and the evidence available, I do not believe that reprisal occurred, however there is no corroborating evidence that solidly states either LCDR Stettner's assertion or [Exemption (6)] defense, only the statements of LCDR Stettner and [Exemption (6)] themselves, which are conflicting in this matter. [Exemption (6)] was provided guidance that would have kept this separate, when he was advised by [Exemption (6)] at least twice that he should transfer the case to his superior, CTSW, immediately. [Exemption (6)] was not aware of the recent ACASS debrief, but her instincts to transfer the case were correct. Had [Exemption (6)] transferred the case when advised to do so, I do not believe the appearance of reprisal would even exist. However, he retained the case in attempts to help LCDR Stettner, promising that he would provide a favorable endorsement when the case was referred for a Show Cause determination, as would ultimately be required. However, when LCDR Stettner's rejected NJP, the course of what [Exemption (6)] expected to occur shifted, and ultimately lead to this investigation. While the IG office may have looked at or may still be examining reprisal issues, I thought it pertinent to provide this information as the multiple investigations in this matter have demonstrated that not all information is available to each investigator. [FF (14), (16), (17), (50), (51), (61), (62)]

RECOMMENDATIONS

1. The following are findings and recommended actions for [Exemption (6)]
 - a. Findings:
 - i. The alleged abuse of authority through improper use of Military Protective Order is substantiated as caveated above.
 - ii. The alleged attempt to fly a USN F-5N aircraft number 102 on 18 April 2019 with a downing (Z code) MAF in violation of COMNAVAIRFORINST 4790.2C is substantiated.

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- iii. The alleged authorization and flight of a “down” aircraft on 5 May 2019 from Savannah, GA to Key West, FL in violation of COMNAVAIRFORINST 4790.2C is substantiated.
 - b. Recommendations:
 - i. The substantiated issues with regard to the MPO were addressed by the previous investigation conducted by [Exemption (6)] and I believe that [Exemption (6)] understands the errors made. With regard to the substantiated issues involving the aircraft, I also believe that those errors were addressed at the appropriate level in the Ready Room by accepting blame as appropriate, addressing the thoughts and actions behind them, and assisting to build a culture where they would not occur again.
2. For Commander, Tactical Support Wing
- a. Recommend briefing all current and prospective commanding officers of the importance of understanding legal advice provided by Judge Advocates and the legal procedures in place to ensure good order and discipline within commands.
 - b. Recommend a review of the standard Kneeboard Card, particularly regarding the section where classified material can be written. The card should be properly marked as classified when filled in or a separate card created if necessary in order to prevent unintended classified electronic spillage incidents.
 - c. Ensure a Contract Action Report (CAR) has been submitted to PAE for the events that occurred on 18 April 2019.
3. For Commander, Naval Air Forces Reserve
- a. With the understanding that administrative actions were put on hold pending this report ICO LCDR Stettner, recommend moving forward with any such action, and applying the findings herein regarding the CO in the issuance of the MPO in question.
 - b. If desired, a full DFAS audit of [Exemption (6)] pay would be needed to absolutely verify that his pay was accurate between September 2017 and June 2019.
 - c. Recommend briefing all current and prospective commanding officers of the importance of understanding legal advice provided by Judge Advocates and the legal procedures in place to ensure good order and discipline within commands.
 - d. The Navy holds Commanding Officers to a rightfully higher standard in their conduct, but the whole person must be taken into account when addressing potential incidents. This is particularly important in this instance, when it is known [Exemption (6)] was running a Squadron that was recovering from a hit by a massive hurricane, while also dealing with the damage the hurricane caused to his family. Commanding a Squadron is a challenging, and at times a lonely, job that is difficult enough in good times. To command a squadron while your family is uprooted and living in another state with a destroyed home and dealing with a myriad of high stress personal issues is a challenge most do not have to endure. While it is no wonder that at the peak of this stress between January and June 2019 is when the majority of issues identified in this investigation occurred, it does not mean they should be left unaddressed. I recommend utilizing this scenario to brief Prospective Squadron Commanding Officers of the pitfalls that may occur when excess personal stress exists on top of professional stresses, and inform them

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of the various resources available both professionally and personally, to ensure they can
continue to operate safely.

Exemption (6)

Exemption (6)